

ESTTA Tracking number: **ESTTA358370**Filing date: **07/16/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	TANGO/04 COMPUTING GROUP, S.L.		
Entity	Limited Liability Company	Citizenship	Spain
Address	Av. Meridiana 358 5. A-B Barcelona, 08027 SPAIN		

Attorney information	Mark Lebow Young & Thompson 209 Madison Street Suite 500 Alexandria, VA 22314 UNITED STATES mlebow@young-thompson.com Phone:703-521-2297
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Registration Subject to Cancellation

Registration No	3537104	Registration date	11/25/2008
Registrant	Tangoe, Inc. 35 Executive Boulevard Orange, CT 06477 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2001/01/01 First Use In Commerce: 2001/01/01 All goods and services in the class are cancelled, namely: Computer software in the field of voice and data services, namely, software for managing, tracking, auditing, and planning an organization's telecommunications system

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Related Proceedings	91189613
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TANGO04		
Goods/Services	Computer hardware, computer software, computer solutions, computer consulting, and related goods and services		

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Word Mark	TANGO/04		
Goods/Services	Computer hardware, computer software, computer solutions, computer consulting, and related goods and services		

Attachments	2010-07-16 Petition to Cancel Registration No. 3537104.pdf (5 pages)(16903 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/ml/
Name	Mark Lebow
Date	07/16/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TANGO/04 COMPUTING GROUP, S.L.,

Petitioner,

v.

TANGOE, INC.,

Registrant.

Cancellation No. _____

Registration No. 3537104

PETITION TO CANCEL

Petitioner, TANGO/04 COMPUTING GROUP, S.L., is a Spanish limited liability company with a principal place of business located at Av. Meridiana 358, 5. A-B, Barcelona, 08027 Spain.

Respondent, TANGOE, INC., is a Delaware corporation with a principal place of business located at 333 West State Street, 35 Executive Boulevard, Orange, Connecticut 06477.

Petitioner believes that it will be damaged by continued registration of the mark TANGOE and Design as shown in Registration No. 3537104 (“the Registration”) for goods in International Class 9 (“Respondent’s Goods”) and hereby petitions to cancel same.

The grounds for cancellation are as follows:

1. Petitioner has used the marks TANGO04 and TANGO/04 (“TANGO Marks”) since as early as 1993, with or without a design or other stylized elements and/or wording,

- in commerce on or in connection with a variety of computer hardware goods, computer software goods, computer solutions, and related goods and services, including but not limited to goods and services covered by International Classes 9, 35 and/or 42.
2. Petitioner has used its TANGO Marks in commerce since as early as 1993 and, in any event, long prior to any use of the mark TANGOE by Respondent.
 3. Petitioner intends to continue use of its TANGO Marks in commerce on or in connection with its various product lines. A full description of Petitioner's goods and services can be viewed on its website located at <http://www.tango04.com/>.
 4. Petitioner has developed extensive goodwill in the United States with respect to its TANGO Marks.
 5. As a result of the expenditure of substantial sums for promotional activities and advertising and/or by virtue of the high quality of its goods and services, Petitioner has garnered a valuable reputation for its TANGO Marks.
 6. As a result of the above uses, Petitioner has also developed substantial common law rights in its TANGO Marks.
 7. Petitioner's goods and services sold and/or provided under its TANGO Marks have been promoted throughout the United States to the relevant trade and to the relevant consuming public.

8. By reason of Petitioner's aforesaid sale and rendering of its goods and services, Petitioner's TANGO Marks have acquired recognition and renown, and the relevant trade and public have come to recognize them as signifying Petitioner exclusively.
9. The mark depicted in the Registration ("Respondent's Mark") for "computer software in the field of voice and data services, namely, software for managing, tracking, auditing, and planning an organization's telecommunications system" is so similar to the TANGO Marks as to be likely to create confusion, mistake or deception, and cause infringement, all to the damage of Petitioner, with Petitioner's rights in the TANGO Marks, which have been in use long prior to the filing of the Registration or the claimed dates of first use of Respondent's Mark.
10. The goods described in the Registration are related to, similar to, or otherwise overlapping with the goods and services provided on or in connection with Petitioner's TANGO Marks.
11. Upon information and belief, the goods described in the Registration could be rendered through the same channels of distribution and be rendered to the same types of businesses or companies as those using Petitioner's goods and services under its TANGO Marks.
12. Upon information and belief, the goods described in the Registration may be provided to the same potential consumers or end-users as those who use Petitioner goods and services provided under its TANGO Marks.

13. Use by Respondent of the Respondent's Mark is without Petitioner's consent or permission.
14. Continued registration of Respondent's Mark as depicted in the Registration will result in damage to Respondent, and continued infringement of Petitioner's trade identity in the TANGO Marks, and cause the potential diminishment in sales and service and loss of value to Petitioner TANGO Marks.
15. Upon information and belief, Respondent did not use Respondent's Mark prior to its claimed date of first use of January 1, 2001, or in any event, prior to Petitioner's use in commerce as early as 1993 and continuing thereafter. Priority is therefore not an issue.

WHEREFORE, Petitioner prays that this petition to cancel be sustained in favor of Petitioner and that Registration No. 3537104 be cancelled.

Respectfully submitted,

/Mark Lebow/
Mark Lebow
Attorney for Petitioner
Young & Thompson
209 Madison Street, Suite 500
Alexandria, Virginia 22314

July 16, 2010

CERTIFICATE OF SERVICE

I hereby certify the foregoing Notice of Opposition was served by U.S. mail, postage prepaid, to Respondent's counsel of record, Gene S. Winter, St. Onge Steward Johnston & Reens LLC, 986 Bedford Street, Stamford, Connecticut 06905 this 16th day July 2010.

/Chris Munsell/
Chris Munsell